

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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YOUNG AMERICA’S FOUNDATION;  
BINGHAMTON UNIVERSITY COLLEGE  
REPUBLICANS; and JOHN LIZAK, President  
of the College Republicans of Binghamton  
University,

Plaintiffs,

v.

HARVEY STENGER, President of SUNY-Binghamton,  
in his official and individual capacities; BRIAN ROSE,  
Vice President for Student Affairs of SUNY-  
Binghamton, in his official and individual capacities;  
JOHN PELLETIER, Chief of SUNY-Binghamton,  
UPD, in his official and individual capacities;  
COLLEGE PROGRESSIVES, a student organization  
at SUNY-Binghamton; PROGRESSIVE LEADERS  
OF TOMORROW (“PLOT”); STUDENT ASSOCIATION  
OF BINGHAMTON, UNIVERSITY,

Defendants,

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DEFENDANT STUDENT  
ASSOCIATION RULE 26(a)(1)  
INITIAL DISCOVERY

Civil Action 3:20-cv-822

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(I), defendant Student Association of Binghamton, University (hereinafter referred to as the SA), , by its attorneys Aswad & Ingraham, LLP, Thomas A. Saitta, Esq. of counsel, provides the following initial disclosures;

**1. WITNESSES;**

The SA is aware of the following witnesses who have discoverable information relative to the claims, counterclaims and cross claims in this action;

**Rati Lolashvili;** Constitutions Assistant, Student Association. She had written communication with Daniel O’Keefe relative to the approval of the constitution of the College Republicans.

**Daniel O’Keefe**; College Republicans; Had written communications with Rati Lolashvili re: approval of College Republican Constitution.

**Shirley Hu**; Constitutions Assistant, Student Association. She had written communication with Daniel O’Keefe relative to the approval of the constitution of the College Republicans.

**Joshua M. Danziger**; SA Internal Affairs Committee. He had written communications with Ms. Hu re: College Republican Constitution.

**Brian T. Rose**; Vice President for Student Affairs, Binghamton University. Mr. Rose had correspondence with SA officials relative to inquires from FIRE regarding the Laffer incident.

**Zachary Greenberg**; Program Office, Foundation for Individual Rights in Education (FIRE). Wrote to and received from Brian T. Rose letters regarding the Laffer Incident.

**Erin Bishop**; Executive VP for SA. She had correspondence with SA officials including Orrin Kenyon, Matthew Johnson seeking to have the College Republican’s B-there account suspended for violating university policy.

**Matthew Johnson**; Assistant Director of SA. Had correspondence with D. Urbanski relative to article in the Blaze.

**Kyle Nelson**; Treasurer College Republicans. Had correspondence with Erin Bishop re: College Republican’s failure to re-register for the 2020-2021 school year.

The above witnesses with the exception of Mr. Rose are students who have graduated. Accordingly, the SA does not have current address on these individuals.

**2. DOCUMENTS**

Attached hereto as exhibit A are the following documents that defendant SA may use to support its claims and defenses.

<u>Document:</u>	<u>Bates Stamp No.</u>
E-mail 4-8-19; from Rati Lolashvili	SA001
E-mail 10-6-19; from Shirley Hu	SA006
E-mail 10-8-19; from Shirley Hu	SA008
E-mail 10-8-19; from Shirely Hu	SA010
E-mail 10-17-22; from Brian Rose	SA014
E-mail 10-28-19; from Brian Rose	SA016
Letter 10-28-19; from Brian Rose to Zach Greenbury	SA017
E-mail 11-14-19; from Erin Bishop B-Account suspension	SA020
E-mail 11-21-19; from Matthew Johnson	SA021
E-mail 12-6-19; from Erin Bishop	SA025

Defendant SA reserves the right to supplement these responses as further documents become available.

Dated: April 7, 2022

s/ Thomas A. Saitta  
 Thomas A. Saitta, Esq.  
 Federal Bar Roll #102510  
 ASWAD & INGRAHAM, LLP  
 Attorneys for defendant Student Association at  
 Binghamton University, Inc.  
 46 Front Street  
 Binghamton, NY 13905  
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TO:

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Jonathan A. Scruggs, Esq. & Tyson Charles Langhofer, Esq.  
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Email: [tlanghofer@adflegal.org](mailto:tlanghofer@adflegal.org)

**Letitia James**

Attorney General of the State of New York  
Attorney for Defendants Stenger, Rose and Pelletier  
The Capitol  
Albany, New York 12224-0341  
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**Peter A. Orville, Esq.**

Orville & McDonald Law, P.C.  
Attorneys for Defendant College Progressives  
30 Riverside Drive  
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607-770-1007  
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## **EXHIBIT A**



Constitutions Assistant &lt;constitutions@binghamtonsa.org&gt;

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**Constitutions Assistant Office Hours (Daniel R O'Keefe)**

15 messages

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: dokeefe2@binghamton.edu

Mon, Apr 8, 2019 at 11:43 AM

Dear Daniel,

Due to personal reasons I can not make it to my office hours today. If you could send me your constitutions and any other specific questions you have I will make comments and answer your questions tonight, without you coming in my office hours.

Hope that works for you,  
Rati Lolashvili

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**Rati Lolashvili**

Constitutions Assistant, Executive Vice President's  
Office  
Student Association at Binghamton University, Inc.  
(607) 777-4296 | binghamtonsa.org | U UW 203

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Mon, Apr 8, 2019 at 12:48 PM

Dear Rati,

No problem at all! Attached is the constitution.

I do have one question for you. I received an email from Erin stating that we could not use the constitution from Young America's Foundation, as it needs to be "specific to the Binghamton chapter." However, due to the fact that this chapter will be a branch of Young America's Foundation, we have been explicitly informed by the organization to follow the constitution that they have provided. We are allowed to make alterations to the document, which we would have to send back to YAF for approval, but rewriting our own constitution may not be possible. Please let me know if this will be an issue so that I can then contact YAF to seek out any possible alternatives. Thank you so much!

All the best,  
Dan O'Keefe  
[Quoted text hidden]



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**YAF-Chapter-Constitution.doc**  
151K

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Mon, Apr 8, 2019 at 1:45 PM

Dear Dan,

I'll get back to you tonight,

Enjoy your Monday,  
Rati Lolashvili

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Tue, Apr 9, 2019 at 9:13 PM

Dear Daniel,

Are you free this Friday to meet? I have read your constitution and I think we have good amount of work to do together so I would rather meet.

Let me know regarding your availability,

All the best,  
Rati Lolashvili  
[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Tue, Apr 9, 2019 at 9:26 PM

Rati,

I'll be free on Friday at noon if that works. I hope we'll be able to resolve the issues you found.

Best,  
Dan

Sent from my iPhone  
[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Thu, Apr 11, 2019 at 4:48 PM

Hello Rati,

Just confirming our meeting at 12 tomorrow.. please just let me know if that time works for you.

All the best,  
Dan O'Keefe

Sent from my iPhone  
[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Thu, Apr 11, 2019 at 4:51 PM

Dear Daniel,

My office hours start at 2 and goes until 5. I already have three appointments booked from 2-3. Was wondering if you could come in just after that?

All the best,  
Rati Lolashvili  
[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Thu, Apr 11, 2019 at 4:52 PM

Sure thing! Does 3:15 work?  
[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Thu, Apr 11, 2019 at 4:54 PM

If you use the following link that would be great so that no one makes an appointment on the time that we have agreed on  
<https://calendar.google.com/calendar/selfsched?sstoken=UU8zaHBzalkzSUIufGRIZmF1bHR8N2QwMjAxOGI0ZDdkNzRIZjA4ZWZjVIZTFkZjg5Mjc>

[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Thu, Apr 11, 2019 at 4:57 PM

I scheduled the appointment for 4:00 as I just realized I have to attend office hours for a class during the day. Looking forward to seeing you then.

Sent from my iPhone  
[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Thu, Apr 11, 2019 at 5:09 PM

Perfect, see you then  
[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Fri, Apr 12, 2019 at 4:17 PM

- General Membership

If one is not accepted through the application process, they are given the opportunity to become a General Member. General members are on our listserv, are invited and encouraged to come to all of our events, and are encouraged to apply for full time membership. General members will receive similar business development opportunities and guidance from the TAMID chapter as full-time members. General members do not have the opportunity to work on projects



unless they apply for, are accepted to, and complete the education process.

- Full Time Membership

Full time membership is achieved after the education requirement is completed.  
Active and Inactive membership only applies for full time members.

[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Wed, Apr 17, 2019 at 12:48 PM

Hi Rati,

I hope all is well. Attached is the revised version of the Young American's for Freedom constitution. I wasn't able to make every alteration that we discussed (I explained why in a note I left in the document), but I hope this document satisfies SA's requirements. The text of all the alterations that have been made are in red. Please let me know what your thoughts are or if you have any further questions. Once again, I greatly appreciate your time.

Best,  
Dan O'Keefe  
[Quoted text hidden]

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 **YAF-Chapter-Constitution.doc**  
154K

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Mon, Apr 22, 2019 at 11:58 AM

Dear Dan,

We are missing sections addressing grievances and officer removal.  
Attached below you will find the Student Association Management Policy. Click on Policy VII and scroll down to the part where it says constitution. Use the given as a reference on how to word the mentioned 2 sections.  
<http://binghamtonsa.org/wp-content/uploads/2017/05/SA-Management-Policies-May-22-2017.pdf>

I'm concerned about the membership denial/termination part but you will have to explain that part during the presentation with the Internal Affairs. Hopefully, they won't give you trouble for that.

All the best,  
Rati Lolashvili

[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Mon, Apr 29, 2019 at 2:15 PM

Dear Rati,

I apologize for the late response. Attached is the revised version of the constitution including sections addressing

grievances and officer removal (highlighted in yellow). I will simply keep the clauses pertaining to membership denial/membership until we meet with IA if that works for the time being. Thank you once again for all of your assistance throughout this entire process.

All the best,  
Dan O'Keefe

[Quoted text hidden]



**(Binghamton University) YAF-Chapter-Constitution.doc**  
154K



Constitutions Assistant &lt;constitutions@binghamtonsa.org&gt;

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## Young Americans for Freedom Constitution Issue

6 messages

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**Constitutions Assistant** <constitutions@binghamtonsa.org>

Sun, Oct 6, 2019 at 8:00 AM

To: Daniel R O'Keefe &lt;dokeefe2@binghamton.edu&gt;

Hello Daniel,

I've looked over the Constitution for Young Americans for Freedom and I've noticed a part that can not be permitted to be in the Constitution. I would like you to [schedule an meeting](#) with me during my office hours to discuss about it.

Best Regards,

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**Shirley Hu**Constitutions Assistant, Executive Vice President's  
OfficeStudent Association at Binghamton University, Inc.  
(607) 777-4296 | binghamtonsa.org | UUW 203

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>

Sun, Oct 6, 2019 at 9:29 AM

To: Constitutions Assistant &lt;constitutions@binghamtonsa.org&gt;

Hello Shirley,

No problem. I just scheduled a meeting for Tuesday at 2 pm to meet with you.

Just out of curiosity, what part of the constitution needs to be removed? I know we will discuss this on Tuesday, but we had actually gotten our constitution approved by the previous constitution assistant last semester. If you could just let me know, that would be great!

Look forward to meeting with you.

Best,  
Dan

--

*Binghamton University Undergraduate  
B.A. in Philosophy, Politics, and Law, May 2022*

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>

Sun, Oct 6, 2019 at 11:23 AM

To: Daniel R O'Keefe &lt;dokeefe2@binghamton.edu&gt;

Hello Daniel,

In Article II. Purposes, near the end of the first clause A, these lines are problematic and can not be part of the

Constitution.

*"That the forces of international Communism are, at present, the greatest single threat to these liberties;  
That the United States should stress victory over, rather than coexistence with, this menace;"*

From what I'm aware of, this is part of the general principles of the Sharon Statement. Will it be possible for you to amend this part?

Best Regards,  
Shirley  
[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Sun, Oct 6, 2019 at 12:02 PM

To be quite honest, I'm not sure. I'll have to contact the national organization tomorrow morning in order to find out. I will email you as soon as I do.

Best,  
Dan  
--  
*Binghamton University Undergraduate  
B.A. in Philosophy, Politics, and Law, May 2022*

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Sun, Oct 6, 2019 at 12:26 PM

Sounds good, please keep me posted.

Best,  
Shirley  
[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Executive Vice President SA <evp@binghamtonsa.org>

Thu, Oct 17, 2019 at 1:38 PM

[Quoted text hidden]



Constitutions Assistant &lt;constitutions@binghamtonsa.org&gt;

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## Question about issue regarding Constitution

3 messages

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**Constitutions Assistant** <constitutions@binghamtonsa.org>

Tue, Oct 8, 2019 at 2:22 PM

To: Internal Affairs Committee <IA@binghamtonsa.org>

Hey Joshua,

I'm currently in the talks with a chartering organization called Young Americans for Freedom and I found a part that I found iffy on being included in the Constitution (I raised this point with Yu Han who feels the same). I've quoted the specific part:

*"That the forces of international Communism are, at present, the greatest single threat to these liberties; That the United States should stress victory over, rather than coexistence with, this menace;"*

It is part of their national chapter's statement so there is little flexibility regarding what they can do about changing it. What are your thoughts; do you think this will be okay to being in the Constitution?

Also do you have a set of guidelines IA follows through regarding what is allowed/not allowed in the Constitution so I can provide more clear answers in the future?

I would greatly appreciate it if you can respond to this by Friday's meeting!

Best,  
Shirley

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### Shirley Hu

Constitutions Assistant, Executive Vice President's  
Office  
Student Association at Binghamton University, Inc.  
(607) 777-4296 | binghamtonsa.org | U UW 203

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**Internal Affairs Committee** <ia@binghamtonsa.org>

Tue, Oct 8, 2019 at 2:28 PM

To: Constitutions Assistant <constitutions@binghamtonsa.org>

So in terms of that phrase itself, it doesn't seem overly problematic so long as it's not encouraging their members to strike down communists and what not, if it's simply a statement like that im sure it's fine, but I agree it isn't the most necessary statement so your discretion is fine. In terms of IA expectations, we look for a neat format that is easy to follow and understand, usually laying out the Eboard positions thoroughly, as well as a transition process between the EBoards. We also expect the organizations to be prepared to answer potential questions about their constitution.

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**Joshua Martin Danziger**



Chair, Internal Affairs Committee  
Student Association at Binghamton University, Inc.  
(607) 777-4296 | binghamtonsa.org | UUW 203

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Executive Vice President SA <evp@binghamtonsa.org>

Thu, Oct 17, 2019 at 1:32 PM

[Quoted text hidden]



Constitutions Assistant &lt;constitutions@binghamtonsa.org&gt;

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## Good News

11 messages

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Tue, Oct 8, 2019 at 2:39 PM

Hello Daniel,

I got the reply from IA about that particular phrase of the Sharon Statement and they are fine with it being in the Constitution.

Just remember to add Event Coordinators (including how many will be necessary for the organization) into the Constitution and detail the position's responsibilities thoroughly.

Best,

--



### Shirley Hu

Constitutions Assistant, Executive Vice President's  
Office

Student Association at Binghamton University, Inc.  
(607) 777-4296 | binghamtonsa.org | UUW 203

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Tue, Oct 8, 2019 at 3:05 PM

Thank you for letting me know!

Best,  
Dan

Sent from my iPhone

On Oct 8, 2019, at 2:40 PM, Constitutions Assistant <[constitutions@binghamtonsa.org](mailto:constitutions@binghamtonsa.org)> wrote:

[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Tue, Oct 8, 2019 at 3:35 PM

Oh... and one more thing! After I spoke to Yuhan, he said we would be processed through insurance. Did this whole situation change that? If you could possibly find an estimated time relating to when we will hear back from SA so we can schedule a meeting with IA, that would be great!

\*Sorry if the message seems sort've messy, I was trying to figure out how to word my question! Haha.

Best,  
Dan

--

*Binghamton University Undergraduate  
B.A. in Philosophy, Politics, and Law, May 2022*

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Tue, Oct 8, 2019 at 3:57 PM

Hey Daniel,

No, it wouldn't change anything. It's just part of the process for the insurance to look over the Constitution too.

Regarding when you will hear back from SA, that would be dependent on receiving approval by all the other assistants of the office.

Also can you send me the final revised Constitution including the revision/chartering date at the top of the Constitution too so I can give the final approval?

Best,  
Shirley

[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Wed, Oct 9, 2019 at 11:19 AM

Hi Shirley,

That sounds great, thank you for the info!

Also, would it be alright if I held off on the alteration to the Constitution regarding the Event Coordinator position? The reason being is that for every alteration we make to the constitution, Young America's Foundation (which is the national organization) also has to sign off on the change, which in this case would just prolong the delay. I understand if you would like to have it in now, but due to the fact that we haven't actually planned any events yet, I would personally like to see how we operate with the roles currently delegated to each e-board member. I know IA might bring up the issue, but I would also like to make this same case to them. Please let me know if this is okay. Thanks a lot.

Best,  
Dan

--

*Binghamton University Undergraduate  
B.A. in Philosophy, Politics, and Law, May 2022*

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Wed, Oct 9, 2019 at 9:59 PM

Hi Daniel,



I understand your concern in regards to making alternations on the Constitution, but it is in your best interest to have everything finalized prior to being chartered because any future amendments would have to go through the amendment process (which means going through IA again and in your case, the National organization). I highly suggest adding the Event Coordinator positions if you can foresee them being needed as well.

If you believe you can make a strong enough case for approval regarding how events will work out with your currently listed e-board, then yes, it's okay.

Best,  
Shirley  
[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Wed, Oct 9, 2019 at 11:25 PM

That sounds great! Another reason I would like to hold off on adding the EC position is that, in my own experience, the more positions there are on an e-board, the more likely officers feel as though they can "slack off" if you will. I know this may not be true in this case, but I would be willing to go through the process of altering the document in the future if I am proven wrong.

Regarding the "chartering date" at the top of the Constitution, should I format it in a certain way, or just simply input the date you signed off on it? Please just let me know. Thank you once again for all your help!

Best,  
Dan  
--  
*Binghamton University Undergraduate  
B.A. in Philosophy, Politics, and Law, May 2022*

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Thu, Oct 10, 2019 at 12:09 AM

Hi Daniel,

Got it; that is a valid reason.

I've attached the sample constitution to this email so just reference that for where to place the chartering date.

 [Sample-Constitution.pdf](#)

Best,  
Shirley  
[Quoted text hidden]

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**Daniel R O'Keefe** <dokeefe2@binghamton.edu>  
To: Constitutions Assistant <constitutions@binghamtonsa.org>

Thu, Oct 10, 2019 at 8:35 AM

Awesome. Attached is the constitution with the chartering date. Once again, thanks a lot for all your help!

Best,

Dan

--

*Binghamton University Undergraduate  
B.A. in Philosophy, Politics, and Law, May 2022*

[Quoted text hidden]



**(Binghamton University) YAF-Chapter-Constitution.pdf**

130K

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Daniel R O'Keefe <dokeefe2@binghamton.edu>

Thu, Oct 10, 2019 at 1:22 PM

Great, you are set. You have my approval.

Best,  
Shirley

[Quoted text hidden]

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**Constitutions Assistant** <constitutions@binghamtonsa.org>  
To: Executive Vice President SA <evp@binghamtonsa.org>

Thu, Oct 17, 2019 at 1:32 PM

[Quoted text hidden]



Executive Vice President SA <evp@binghamtonsa.org>

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## Young Americans for Freedom YAF

3 messages

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**Brian T Rose** <brose@binghamton.edu>

Thu, Oct 17, 2019 at 10:52 AM

To: evp@binghamtonsa.org, Mark Soriano <president@binghamtonsa.org>

Cc: Barbara W Scarlett <scarlett@binghamton.edu>

Hi Erin / Emma:

I've attached correspondence the university received about the above-referenced student organization. I obviously don't know all the background, but if the facts as stated in the letter are reasonably accurate, I think FIRE has raised a legitimate concern. Barbara Scarlett (university legal counsel) will reach out to your counsel (Jim Haley) and I suggest you do the same. I'm going to have to ask that we meet on this ASAP. First step will be fact-finding – what actually has happened and we'll go from there. My office will try to coordinate a meeting or conference call and we will certainly involve Mr. Haley in addition to yourselves.

In the meantime – and this is just advice – I would recommend against any further communication with YAF reps until this gets sorted out.

Brian

Brian T. Rose

Vice President for Student Affairs

Binghamton University

607-777-4788

[brose@binghamton.edu](mailto:brose@binghamton.edu)



**FIRE Letter to SUNY Binghamton October 2019.pdf**  
148K

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**President SA** <president@binghamtonsa.org>

Thu, Oct 17, 2019 at 11:56 AM

To: Brian T Rose <brose@binghamton.edu>

Cc: Raaga Rajagopala <evp@binghamtonsa.org>, Matthew Johnson <assistantdirector@binghamtonsa.org>, Ornella M Paniccia-Harvey <oharvey@binghamton.edu>

Hi Brian,

YAF has not been denied and they are still completing the chartering process. The constitution was approved by the constitutions assistant as originally written. Jim has been in touch with Barbara.

Best,

Emma



**Emma Ross**

**President & CEO**

Student Association of Binghamton University, Inc.

(607) 777-7777 | binghamtonsa.org | U UW 203

[Quoted text hidden]

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**Brian T Rose** <brose@binghamton.edu>

Thu, Oct 17, 2019 at 12:30 PM

To: President SA <president@binghamtonsa.org>

Cc: Raaga Rajagopala <evp@binghamtonsa.org>, Matthew Johnson <assistantdirector@binghamtonsa.org>, Ornella M Paniccia-Harvey <oharvey@binghamton.edu>, Barbara W Scarlett <scarlett@binghamton.edu>

Hi Emma:

Thanks for the quick response. The information you offer is certainly encouraging, but I'm going to need more detail in order to be able to offer a sufficient response to FIRE. Particularly we would very much appreciate having copies of documents / email correspondence etc. If we represent something to FIRE that isn't complete or fully accurate in our response, it will make it a much bigger story...and a story is FIRE's aim here.

I've asked my assistant Ashley to arrange a meeting. I can explain why / how the university has its own interests here (both legally and reputationally) when we meet.

Brian T. Rose

Vice President for Student Affairs

Binghamton University

607-777-4788

[brose@binghamton.edu](mailto:brose@binghamton.edu)

[Quoted text hidden]



Executive Vice President SA <evp@binghamtonsa.org>

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## Binghamton Univ\_YAF

1 message

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**Brian T Rose** <brose@binghamton.edu>

Mon, Oct 28, 2019 at 9:26 AM

To: zach.greenberg@thefire.org

Bcc: evp@binghamtonsa.org

Dear Mr. Greenberg:

Please see attached.

Sincerely,

Brian T. Rose

Vice President for Student Affairs

Binghamton University

607-777-4788

[brose@binghamton.edu](mailto:brose@binghamton.edu)



**Fire Response\_YAF.docx**

54K



Vice President for Student Affairs

PO Box 6000

Binghamton, New York 13902-6000

607-777-4788, Fax: 607-777-6957

October 28, 2019

Zachary Greenberg  
Program Officer, Individual Rights Defense Program  
Foundation for Individual Rights in Education

**Re: Binghamton University\_YAF\_Response to October 16, 2019 letter**

Dear Mr. Greenberg:

I am writing in response to your October 16, 2019 letter concerning the recognition of Young Americans for Freedom (YAF) by the Binghamton University Student Association ("SA"). Your letter raises a concern that YAF was improperly being denied recognition for reasons that could not be reconciled with the First Amendment. Your make particular reference to an October 6, 2019 communication from the Constitutions Assistant in the office of the Executive Vice President of the SA as the basis of your concern and proceed from there to provide a briefing on First Amendment jurisprudence.

Upon receipt of your letter from President Stenger (to whom it was addressed) I contacted the SA and their legal counsel to investigate the concerns raised in your letter. They shared with me the October 6<sup>th</sup> communication you reference in your letter, a second internal communication where the SA Constitutions Assistant raised her questions and concerns to an internal SA body for guidance and a third communication also dated October 8, 2019. In this final October 8<sup>th</sup> communication, the SA Constitutions Assistant relayed to the student leader of YAF that the SA had no issue with the inclusion of the phrase from the Sharon Statement in the YAF constitution. Accordingly, more than a week prior to your letter, the SA, through its own internal processes and without any University or external intervention, had already informed the YAF leader that the language in the YAF constitution posed no issue with respect to recognition. I trust that answers your concerns.

Please allow me a modest correction to your letter as well. As a 2013 Binghamton graduate, you may recall that the SA is a separately incorporated organization and not the University itself. I do not make that point to suggest that Binghamton University would have failed to respond had the concerns you raised been fully accurate and current as evidenced by my actual inquiry of the SA on the matter. Rather, I raise the point to note that your statement that "the State University of New York at Binghamton has denied or delayed recognition of a chapter of a student

organization...” fails to acknowledge that the SA and the university are separate entities and that it was the SA’s recognition process in issue.

Thank you for bringing this concern to our attention. As it turns out the matter was resolved before you wrote and before any University official had even been notified of the potential concern. Should a similar matter arise in the future, please feel free to give me a call directly. Your concerns in this instance might have been addressed more expeditiously with that approach.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brian T. Rose". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Rose".

Brian T. Rose

Vice President Student Affairs

CC: Harvey Stenger, President Binghamton University  
Barbara Scarlett, University Counsel  
Erin Bishop, Executive Vice President Binghamton Student Association



Executive Vice President SA <evp@binghamtonsa.org>

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## Binghamton Univ\_YAF

1 message

---

**Brian T Rose** <brose@binghamton.edu>

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To: zach.greenberg@thefire.org

Bcc: evp@binghamtonsa.org

Dear Mr. Greenberg:

Please see attached.

Sincerely,

Brian T. Rose

Vice President for Student Affairs

Binghamton University

607-777-4788

[brose@binghamton.edu](mailto:brose@binghamton.edu)



**Fire Response\_YAF.docx**

54K





Executive Vice President SA <evp@binghamtonsa.org>

## College Republicans B-There suspension

2 messages

**Executive Vice President SA** <evp@binghamtonsa.org>  
 To: Orrin J Kenyon <okenyon@binghamton.edu>  
 Cc: Matthew Johnson <assistantdirector@binghamtonsa.org>

Thu, Nov 14, 2019 at 4:30 PM

Hi Orrin,

I am writing to officially ask that College Republicans have their B-there account suspended. As you already know, they've violated both university and SA policy in regards to tabling without approval, as well as refusing to cooperate after being notified of their violations.

Let me know if you need anything else from me.

Best,  
 Erin



**Erin Bishop**

Executive Vice President  
 Student Association at Binghamton University, Inc.  
 (607) 777-7777 | binghamtonsa.org | UUW 203

**Orrin J Kenyon** <okenyon@binghamton.edu>  
 To: Executive Vice President SA <evp@binghamtonsa.org>  
 Cc: Matthew Johnson <assistantdirector@binghamtonsa.org>

Fri, Nov 15, 2019 at 12:50 PM

Thank you for the update Erin. Their access has been removed.  
 [Quoted text hidden]

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Orrin Kenyon  
 Assistant Director for The Union Operations  
 UU-W205  
 607-777-2813





Executive Vice President SA <evp@binghamtonsa.org>

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## RE: Question from Website:

1 message

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**Matthew Johnson** <assistantdirector@binghamtonsa.org>

Thu, Nov 21, 2019 at 5:01 PM

To: [durbanski@theblaze.com](mailto:durbanski@theblaze.com)

Bcc: [eboard@binghamtonsa.org](mailto:eboard@binghamtonsa.org)

Good afternoon and thank you for your message,

I'd be happy to provide some clarification to the current misinformation being spread. First, allow me to clarify that the Student Association (SA) does not have the ability to grant permission for organizations to table; the space/tabling reservation authority lies with various university personnel charged with reviewing and approving those requests. Anything to do with reservable spaces and the corresponding policies is entirely under the University's purview. Our role is only to provide the University with a list of organizations eligible to make reservations or, conversely, advising them to remove space reservation privileges for an organization under sanction for violating policy.

The SA expects that all of our organizations comply with published university policy. This expectation is found in the *SA Management Policies* (<https://www.binghamtonsa.org/files/SA-Management-Policies-Sept-17-2019.pdf>):

### | Section VII: Subsidiary Organizations, 11. Responsibilities:

*All subsidiary organizations have the following responsibilities in addition to those assigned elsewhere throughout the rules:*

- a. *Conduct itself in compliance with the law, the stipulations the Student Association's insurance provider, University policy, and Student Association rules, including the nondiscrimination and open events sections of the Student Association Constitution.*

The University policy that was violated is contained within the "Reservation Guidelines" (<https://www.binghamton.edu/services/union/gather/reservation-guidelines.html>) webpage. Specifically, under the "Other Rules Regarding Reservations and Events" section, it states:

Reservations for the Spine, Peace Quad, and Campus Perimeter require a mandatory meeting with Orrin Kenyon, Assistant Director of Union Operations, in UU-W205 prior to approval. These requests must be submitted through the Bthere reservation site.

When we, the Student Association, are informed that an organization has violated University policy/procedure, we will follow up with that organization to verify that the violation was in fact theirs before assigning any sanctions. In cases where there is an ongoing violation, we will attempt to get to the site to witness firsthand what is happening and address it on the spot, while verbally warning the organization of what sanctions they may expect if they continue to violate the relevant policy.

With regard to the College Republicans' event on November 14, a University staff member contacted us with a generalized question to the effect of "what happens to an organization that violates the space reservation policy? And what happens if they continue to do so after being warned they're in violation?" Without knowing this was anything more than a hypothetical question, we responded with "they'll have their B-There (room reservation) privileges suspended for knowingly violating campus policy, with potential for greater sanctions if they do refuse to comply with a university official."

After that response, the university staff member informed us that the College Republicans were holding an unauthorized tabling event on the Spine outside the Union, which is a reservable space. Prior to coming to us with that question, CR had been informed by this staff member that they couldn't table there since it was a reservable location BUT they could a) move to another location further down the Spine that is not considered a reservable space, or b) remain on this part of the Spine, just without a table (since without equipment, it would just be a free assembly of individuals handing out information on a cause). The response the staff member received was "what happens if we stay here?" which prompted the staff member to contact our office regarding what happens in the event of policy violations.

As Binghamton University is a public university, the assertion that the College Republicans were tabling on public property would appear accurate. What that assertion fails to recognize, however, is that use of public property will often be governed by policies and procedures that must be followed in order to host an event in that space. While many of the outdoor spaces on our campus are considered uncontrolled spaces (meaning anyone can table there any time), the University at some point in the past deemed it to be a reservable (controlled) space since this location is in such high demand due to pedestrian traffic – meaning you have to have a confirmed reservation in order to have an event there. As an aside, the location CR set up had already been confirmed for another organization (Hillel/Jewish Student Union) for the majority of the day...a fact which CR disregarded and ultimately infringed upon Hillel/JSU's confirmed right to hold their event in that location.

To bring this back to the beginning assertion by the College Republicans, I believe a more accurate statement would be that "the College Republicans lost B-There (room reservation) privileges because they failed to follow established SA and University policy governing use of that space and, furthermore, refused to move or otherwise comply with university officials when informed of nearby alternate locations that weren't governed by the reservation policy."

I hope this response provides sufficient information for your story. Please let us know if you have any additional questions regarding this matter.

Best,

-Matt

**Matt W. Johnson, M.S.**

Assistant Director

Student Association of Binghamton University, Inc.

(607) 777-2020 | binghamtonsa.org | UUW 203

**From:** Student Association <[getinvolved@binghamtonsa.org](mailto:getinvolved@binghamtonsa.org)>  
**Sent:** Thursday, November 21, 2019 11:45 AM  
**To:** Matthew Johnson <[assistantdirector@binghamtonsa.org](mailto:assistantdirector@binghamtonsa.org)>  
**Subject:** Fwd: Question from Website:

## SA Reception Staff

Student Association of Binghamton University, Inc.

(607) 777-7777 | [binghamtonsa.org](http://binghamtonsa.org) | UYW 203

----- Forwarded message -----

From: **Dave Urbanski** <[durbanski@theblaze.com](mailto:durbanski@theblaze.com)>  
Date: Wed, Nov 20, 2019 at 10:11 AM  
Subject: Question from Website:  
To: <[getinvolved@binghamtonsa.org](mailto:getinvolved@binghamtonsa.org)>

### Name

Dave Urbanski

---

### Email

[durbanski@theblaze.com](mailto:durbanski@theblaze.com)

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### Comment or Message

Hello --- I'm a writer from TheBlaze, which is Glenn Beck's news website

([www.theblaze.com](http://www.theblaze.com)). I'm following up on an assertion by the College Republicans at SUNY Binghamton that the student government suspended their access to meeting room reservations for tabling without SA permission last Thursday. But a CR officer told Campus Reform the sanction is wrong because the College Republicans were tabling on public property. Do you wish to comment? Thank you, Dave Urbanski, TheBlaze, 609-647-3888

Sent from Student Association of Binghamton University, Inc.



Executive Vice President SA &lt;evp@binghamtonsa.org&gt;

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**BU Progressives Email**

2 messages

**Executive Vice President SA** <evp@binghamtonsa.org>

Fri, Dec 6, 2019 at 4:23 PM

To: "Rose, Brian" &lt;brose@binghamton.edu&gt;

Hello Brian,

Matt has forwarded me the email from you in regards to the Progressive's letter for the November 18th protest. Is there any way you can forward me the actual email? I'd like to have it for my records in case there was any doubt from them when I suspend their account.

Best,  
Erin

**Erin Bishop**

Executive Vice President

Student Association at Binghamton University, Inc.

(607) 777-7777 | binghamtonsa.org | UUW 203

**Brian T Rose** <brose@binghamton.edu>

Fri, Dec 6, 2019 at 5:58 PM

To: Executive Vice President SA &lt;evp@binghamtonsa.org&gt;

Hi Erin – It went around as a google doc to various members of cultural orgs so I've given you what I have. It was forwarded to us by a student who was alarmed by the approach. That student would like to remain anonymous. That's what I have.

Brian

Brian T. Rose

Vice President for Student Affairs

Binghamton University

607-777-4788

[brose@binghamton.edu](mailto:brose@binghamton.edu)

[Quoted text hidden]